

REMARKS

Claims 1 through 9 are now pending in this application.

Applicants express appreciation that the Office indicated that claims 2 and 7 through 9 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the base claim and any intervening claims. Applicants have so amended claims 2 and 7. Applicants now believe that claims 2, and 7 through 9 are in condition for issuance.

Applicants note that the Office Action summary indicates that the Office objected to claim 10. However, in fact claim 10 was withdrawn in the last office communication.

Applicants respectfully request that the Office confirm whether claim 10 is allowable, objectionable or pending in the Office Action or whether the Office withdrew the restriction requirement with regard to claim 10.

In the Action, claims 1, 3 through 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,475,890 to Yu (hereinafter "Yu"). Applicants respectfully traverse this rejection on the grounds that Yu neither expressly nor inherently discloses all of the elements set forth in independent claim 1.

Claim 1 provides for a vertical fin formed on a substrate. The vertical fin has a top surface being substantially parallel with a horizontal surface of the substrate and at least two opposing side surfaces being

substantially perpendicular to the horizontal surface to form the vertical fin. The fin also has an outwardly sloped structure at a base portion of the vertical fin. A surface of the outwardly sloped structure does not undercut the at least two opposing surfaces of the vertical fin.

The Office relies on Figs. 10 and 11 of Yu at page 3 of the Action. Yu discloses a "T" shaped pillar. The pillar is disposed on a insulating material that is on a substrate. The pillar is semiconductor material for a Metal Oxide Semiconductor Field Effect Transistor. Typically, both the pillar and the substrate are formed from silicon. In the embodiment referenced by the Examiner shown in Fig. 11, the pillar (reference numeral 304) has a flat shape with a top portion that extends through a layer of buried insulating material (reference numeral 306). The flat shape and the top portion form an "upside down T".

The Fig. 10 embodiment is identical to the Fig. 11 embodiment, and further has a layer of masking material (330) on a top side of the pillar (304).

Yu does not disclose or suggest any outwardly sloped structure at a base portion of the vertical fin, let alone that a surface of the outwardly sloped structure has a surface that does not undercut the at least two opposing surfaces of the vertical fin. Clearly, the flat shape and top portion of the pillar together are simply an orthogonal shaped member having flat lateral sides and simply do not have the configuration as claimed. Reconsideration and withdrawal of the rejection of claim 1 are respectfully requested. Claims 3 through 6 depend from claim 1 and are

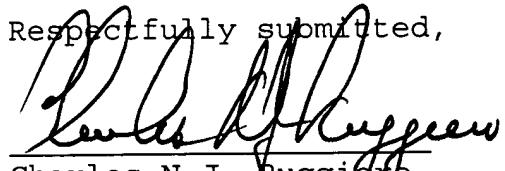
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patentable over the cited reference for at least the reasons discussed above for claim 1. Reconsideration and withdrawal of the rejection of claims 3 through 6 are also respectfully requested.

In view of the foregoing, applicants respectfully submit that claims 1, through 9 are all in condition for allowance. Accordingly, applicants respectfully request favorable consideration and that the application be passed to allowance.

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Respectfully submitted,



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